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Examiner Richard Ellis	Group 2183	703 746 7239	

<b>FROM:</b>	David E. Boundy	<b>DATE:</b>	April 17, 2003
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<b>FILE NO.:</b>	005231/03-4000		

Applicant(s): John S. Yates, et al.

Serial No.: 09/385,394

Art Unit: 2183

Filed: August 30, 1999

Examiner: Richard Ellis

Title: COMPUTER FOR EXECUTING TWO DIFFERENT INSTRUCTION SETS

I hereby certify that the attached

- This FAX cover sheet
- Information Disclosure Statement
- Form PTO-1449

along with any paper(s) referred to as being attached or enclosed) are being transmitted by facsimile on April 17, 2003 to the Commissioner for Patents, Washington, D.C. 20231.

Dated: April 17, 2003

By: David E. Boundy  
David E. Boundy  
Registration No. 36,461

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FROM SCHULTE ROTH & ZABEL LLP.25

PATENT

# 24  
Received from < 212+593+5955 > at 4/17/03 12:34:45 AM [Eastern Daylight Time]

DOCKET NO. 005231/03-4000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): John S. Yates, et al.

Serial No.: 09/385,394

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INFORMATION DISCLOSURE STATEMENT

COMMISSIONER FOR PATENTS

Washington, D.C. 20231

In accordance with 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant wishes to make of record the enclosed items, as listed on the accompanying Form PTO-1449. Applicant respectfully requests the Examiner to fully consider the items and independently ascertain their teaching before issuance of the next action, and to make them of record in the file. The Examiner is also requested to initial and return a copy of the enclosed Form PTO-1449 to evidence such consideration.

The references listed on the enclosed Form 1449 are references that have come to light in applications listed in the Information Disclosure Statement of November 2000. Applicant has not reviewed all of them in detail. Of those that have been reviewed, none of the references are believed to be any more pertinent than the references provided in earlier IDS' and Forms 1449. However, in an abundance of caution, Applicant requests that they be considered.

For any item listed on the enclosed copy of Form PTO-1449 for which a copy is not already made of record in this application, a copy was previously cited by or submitted to the Patent and Trademark Office in application Serial No. 09/239,194, filed January 28, 1999, Yates et al., Executing Programs for a First Computer Architecture on a Computer of a Second Architecture.

This Information Disclosure Statement it is being filed more than three months after filing of this application and after the mailing of a first Office Action on the merits, but before the mailing date of a final action under 37 C.F.R. § 1.113, or a Notice of Allowance under 37

I certify that this correspondence, along with any documents referred to therein, is being deposited with the United States Postal Service on April 17, 2003 as First Class Mail in an envelope with sufficient postage addressed to The Commissioner for Patents, Washington D.C. 20231.

A handwritten signature in black ink, appearing to read "J. E. [unclear]".

Information Disclosure Statement  
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09/385,394

C.F.R. § 1.311 (where there has been no prior final action), or an action that otherwise closes prosecution in the application. A fee is due pursuant to 37 C.F.R. § 1.97(c)(2).

A check in the amount of \$ 180.00 in payment of the fee due under C.F.R. § 1.17(i)(1) was enclosed with an IDS filed on January 17, 2003. It is believed that no further fee is due.

The Commissioner is hereby authorized to charge any additional fees that may be required for this Information Disclosure Statement, or credit any overpayment, to Deposit Account 50-0324, Order No. 005231/03-4000.

Respectfully submitted,

SCHULTE ROTH & ZABEL, LLP

Dated: April 17, 2003

By: David E. Boundy  
David E. Boundy  
Registration No. 36,461

**CORRESPONDENCE ADDRESS:**

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FORM PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 005231/03-4000		SERIAL NO. 09/385,394	
<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)				APPLICANT John S. Yates, et al.		GROUP ART UNIT 2183	
				FILING DATE August 30, 1999			
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPLICABLE	
	5,155,835	10/13/1992	Belsan			Nov. 19, 1990	
	5,241,664	08/31/1993	Ohba			Jan. 7, 1991	
	5,301,287	04/05/1994	Herrell			Feb. 16, 1993	
	5,307,504	04/26/1994	Robinson	395	800	Mar. 7, 1991	
	5,361,340	11/01/1994	Kelly			Mar. 9, 1993	
	5,432,795	07/11/1995	Robinson	371	19	May 15, 1991	
	5,454,117	09/26/1995	Puziol	395	800	Aug. 25, 1993	
	5,515,518	06/07/1996	Stiles	395	375	Jul. 5, 1994	
	5,608,886	03/04/1997	Blomgren	395	586	Aug. 31, 1994	
	5,659,679	08/19/1997	Alpert	395	183.1	May 30, 1995	
	5,664,159	09/02/1997	Richter	395	500	May 8, 1995	
	5,715,421	02/03/1998	Akiyama			Oct. 16, 1992	
	5,721,927	02/24/1998	Baraz	395	705	Aug. 7, 1996	
	5,754,878	05/19/1998	Asghar	395	800	Mar. 18, 1996	
	5,774,287	06/30/1998	Leonhardt			Dec. 9, 1994	
	5,781,792	07/14/1998	Asghar	395	800.35	Mar. 18, 1996	
	5,784,640	07/21/1998	Asghar	395	800.35	Mar. 18, 1996	
	5,790,824	08/04/1998	Asghar	395	385	Mar. 18, 1996	
	5,794,068	08/11/1998	Asghar	395	800.35	Mar. 18, 1996	
	5,796,939	08/18/1998	Berc, et al.	395	184.01	Mar. 10, 1997	
	5,802,272	09/01/1998	Sites, et al.	395	183.21	Dec. 19, 1994	
	5,802,373	09/01/1998	Yates	395	705	Jan. 29, 1996	
	5,838,962	11/17/1998	Larson	395	586	Apr. 9, 1997	
	5,838,978	11/17/1998	Buzbee	395	705	Oct. 9, 1996	
	5,847,955	12/08/1998	Mitchell			Jun. 23, 1997	
	5,884,057	03/16/1999	Blomgren	395	375	May 8, 1995	
	5,901,308	05/04/1999	Cohn			Mar. 18, 1996	
	5,905,855	05/18/1999	Klaiber	395	183.07	Feb. 28, 1997	
	5,935,220	08/10/1999	Lumpkin			Aug. 9, 1996	
	5,949,415	09/07/1999	Lin	345	335	Jun. 16, 1997	
	5,958,061	09/28/1999	Kelly	714	1	Jul. 24, 1996	
EXAMINER			DATE CONSIDERED				

FORM PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 005231/03-4000		SERIAL NO. 09/385,394	
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<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	5,999,736	12/07/1999	Gupta			May 9, 1997	
	6,005,551	12/21/1999	Osborne			Apr. 25, 1997	
	6,011,908	01/04/2000	Wing	395	182.17	Dec. 23, 1996	
	6,014,735	01/11/2000	Chennupaty	712	210	Mar. 31, 1998	
	6,021,489	02/01/2000	Poplingher	712	239	Jun. 30, 1997	
	6,026,478	02/15/2000	Dowling			Dec. 23, 1997	
	6,029,004	02/22/2000	Bortnikov			Mar. 17, 1997	
	6,032,247	02/29/2000	Asghar	712	35	Nov. 14, 1997	
	6,035,393	03/07/2000	Glew	712	237	May 7, 1998	
	6,044,221	03/28/2000	Gupta			May 9, 1997	
	6,070,009	05/30/2000	Dean			Nov. 26, 1997	
	6,081,890	06/27/2000	Datta	713	1	Nov. 30, 1998	
	Re. 36,766	07/04/2000	Krauskopf	711	203	Aug. 21, 1992	
	6,154,857	11/28/2000	Mann			Dec. 17, 1997	
	6,157,970	12/05/2000	Gafken			Sep. 24, 1997	
	6,175,957	01/16/2001	Ju			Dec. 9, 1997	
	6,226,789	05/01/2001	Tye			Jan. 29, 1996	
	6,237,073	05/22/2001	Dean			Nov. 26, 1997	
	6,240,526	05/29/2001	Petivan			Oct. 27, 1999	
	6,253,215	06/26/2001	Agesen			Aug. 17, 1998	
	6,351,784	02/26/2002	Neal			Dec. 28, 1998	
	6,374,369	04/16/2002	O'Donnell			May 21, 1999	
	6,397,379	05/28/2002	Yates			Oct. 28, 1999	
	6,405,327	06/11/2002	Sipple			Aug. 19, 1998	
	6,463,582	10/08/2002	Lethin			Oct. 21, 1998	
	6,470,492	10/22/2002	Bala			May 14, 1999	
	6,477,683	11/05/2002	Killian			Feb. 5, 1999	
	6,480,862	11/12/2002	Gall			Apr. 23, 1999	
	6,496,922	12/17/2002	Borrill			Oct. 31, 1994	
EXAMINER			DATE CONSIDERED				

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FORM PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 005231/03-4000		SERIAL NO. 09/385,394	
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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
<b>FOREIGN PATENT DOCUMENTS</b>							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
		WO 99/08188 Kelly	02/18/1999	PCT/US	G06F	11/00	
		WO 99/08191 Kelly	02/18/1999	PCT/US	G06F	12/00	
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Papers, Etc.)</b>							
		T.M. Conte, et al., "Accurate and practical profile-driven compilation using the profile buffer," Proceedings of the 29 <sup>th</sup> Annual International Symposium on Microarchitecture, Paris, France, pp. 36-45 (Dec. 1996)					
		T.M. Conte, et al., "Hardware based profiling: An effective technique for profile-driven optimization," International Journal of Parallel Programming, vol. 24, no. 2 (Feb. 1996)					
		T.M. Conte, et al., "Using branch handling hardware to support profile-driven optimization," Proceedings of the 27 <sup>th</sup> Annual International Symposium on Microarchitecture San Jose, CA (Dec. 1994)					
		J.S. Cox et al., "Commercializing profile-driven optimization," Proceedings of the 28 <sup>th</sup> Hawaii International Conference on System Sciences, vol. 1 Maui, HI, pp. 221-228 (Jan. 1995)					
		R.E. Hank, et al., Proceeding of the 28 <sup>th</sup> Annual International Symposium on Microarchitecture, pp. 158-168 (Dec. 1995)					
		K.N.P. Menezes, "Hardware-based profiling for program optimization," Ph.D. thesis, Department of Electrical and Computer Engineering, North Carolina State University, Raleigh, North Carolina (1997)					
<b>EXAMINER</b>				<b>DATE CONSIDERED</b>			

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